

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 24 2014

SEAN F. MAZUY, CLERK
DEPUTY
SPOKANE, WASHINGTON

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
)
Plaintiff,) NO: 14-CR-21-RMP-17
)
vs.)
)
JERRELYN L. COMSTOCK,) **PRE-TRIAL DIVERSION AGREEMENT**
)
Defendant.)

I. PRE-TRIAL DIVERSION AGREEMENT

It is alleged by an Indictment filed on February 20, 2014; in Cause Number 14-CR-21-RMP-17 that JERRELYN L. COMSTOCK committed the following offense against the United States in the Eastern District of Washington:

Count 2

That beginning on a date unknown, but by no later than on or about July 18, 2012, the exact date being unknown to the Grand Jury, and continuously thereafter up through and including February 19, 2014, in the Eastern District of Washington and elsewhere, DEANDRE S. GAITHER, JASON L. JONES, KORY A.J. HALL, TONY L. BRAMLETT, JOSEPH L. DAVIS, ROBERT Y.L. RUSHING, RONNIE T. SIMMS, DAVID L. WOMACK, VONDERICK NOBLE, SAM G. WARD, RONALD E. GARDNER, TAKIYAH R. GAYLE, STAFONE N.

1 FUENTES, CIERRA C. WHITE, ELIZABETH I. WEISTER, KATHRYN L.
 2 LUST-LIGGINS, **JERRELYN L. COMSTOCK**, KENNETH R. BUDIK,
 3 COURTNEY D. VAUGHN, CALVIN B. MASON, DYON L. BRAMLETT,
 4 GILBERT A. CRAWLEY, BRETT A. LUTON, MICHAEL A. KING, JASON C.
 5 BROWN, TODD ANDRY, SEAN M. ALLEN, SEAN L. LAMBERT, AARON
 6 C. BROWN, RASHJEL G. CAGE, and NICHOLAS P. MADDOX, and others not
 7 known to the Grand Jury, did knowingly and intentionally combine, conspire,
 8 confederate and agree together with each other and with other persons, both
 9 known and unknown to the Grand Jury, to commit the following offense against
 10 the United States, to wit: conspiracy to distribute a mixture or substance
 11 containing a detectable amount of oxycodone hydrochloride, an opiate and
 12 Schedule II controlled substance, pursuant to 21 U.S.C. § 812(c), specifically in
 13 the form of pills containing oxycodone hydrochloride, in violation of 21 U.S.C. §
 14 841(a)(1), (b)(1)(C), all in violation of 21 U.S.C. § 846.

15 It appears, however, after a comprehensive investigation of the offense and
 16 that of JERRELYN L. COMSTOCK's background, that the interests of the United
 17 States and JERRELYN L. COMSTOCK's own interests, and the interests of
 18 justice, will be served by the following procedure, therefore:

19 On the authority of the Attorney General of the United States, by MICHAEL
 20 C. ORMSBY, United States Attorney for the Eastern District of Washington, and
 21 Jared C. Kimball, Assistant United States Attorney for the Eastern District of
 22 Washington, prosecution in this District for this offense shall be deferred for a
 23 period of eighteen (18) months from the date of the filing of this Agreement,
 24 provided you abide by the following conditions and the requirements of the Pre-
 25 Trial Diversion program set out in detail below.

26 Should you violate any conditions of this supervision, the United States
 27 Attorney or his designee may revoke or modify any conditions of this Pre-Trial
 28 Diversion program or change the period of supervision for an additional period
 which shall in no case exceed twelve (12) months from the original termination
 date of the diversion agreement. The United States Attorney may release you from

1 supervision at any time. The United States Attorney may at any time within the
2 period of your supervision reinstitute prosecution for the underlying offenses should
3 you violate the conditions of this supervision and will furnish you with notice
4 specifying the conditions of your program which you have violated.

5 If, upon successful completion of the program and your period of
6 supervision, a Pre-Trial Diversion report is received to the effect that you have
7 complied with all the rules, regulations and conditions above mentioned, the
8 United States will move to dismiss, with prejudice, the charge for the above
9 described offense.

10 Neither this Agreement nor any other document filed with the United States
11 Attorney as a result of your participation in the Pre-Trial Diversion Program will
12 be used against you in connection with any prosecution for the above described
13 offense or be provided to any other person or entity other than the United States
14 Attorney's Office, United States District Court, and the United States Probation
15 Office without Court order or as otherwise required by law.

16
17 **II. CONDITIONS OF PRE-TRIAL DIVERSION**

18 1. You shall not commit a violation of any law (federal, state and local).
19 This condition shall not apply to simple moving infractions. You shall
20 immediately contact your Pre-Trial Diversion supervisor if arrested and/or
21 questioned by any law enforcement officer.

22 2. You shall be consistently employed at a lawful occupation.

23 3. You shall continue to live in this judicial district. If you desire to
24 move out of the district, you shall obtain permission from your diversion
25 supervisor so that the appropriate transfer of program responsibility can be
26 made prior to your relocation.

27 4. You shall report to your diversion supervisor as directed and keep
28 him/her informed of your whereabouts.

1 5. You shall not possess, control and/or consume any controlled
2 substance without a valid prescription nor possess items commonly used for
3 the consumption of such substances (drug paraphernalia), or be in any place
4 where such substances are located, controlled and/or consumed. For
5 purposes of this diversion agreement, you are agreeing that marijuana is a
6 controlled substance under Federal Law and agree further that you will not
7 seek a prescription for medical marijuana while under the terms of this
8 diversion agreement.

9 6. You shall submit a sample for urinalysis for controlled substances at
10 the request and discretion of your diversion supervisor.

11 7. You shall not associate or maintain meaningful/consistent contact
12 with gang members, specifically, but not limited to the Rolling 20's Crips.¹

13 8. You shall testify truthfully if called as a witness at any state or federal
14 court proceeding.

15 9. You shall consent to a search of your person and/or residence upon
16 request of the diversion supervisor.

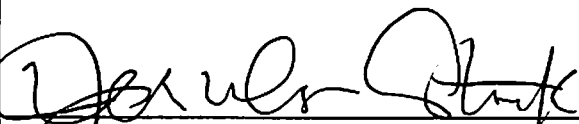
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18
19 I, JERRELYN L. COMSTOCK, assert and certify that I am aware of the fact
20 that the Sixth Amendment to the Constitution of the United States provides that in

21
22 ¹ The United States is advised that co-defendant DEANDRE GAITHER is a
23 member of the Rolling 20's Crips and further that Mr. Gaither and Ms. Comstock
24 have a child in common which requires that they have contact for purposes of
25 discussing child custody/child rearing. The United States notes that contact
26 between the Defendant and Mr. Gaither is not a violation of the gang member no
27 contact provision unless the diversion supervisor/law enforcement deems that such

28 contact was for potential/actual criminal purposes. Also William Alexander-Durr
29 she can have contact with as he is the father of 2 of her children
30 PRE-TRIAL DIVERSION AGREEMENT - 4

1 all criminal prosecutions the accused shall enjoy the right to a speedy and public
2 trial. I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure
3 provides that the Court may dismiss an indictment, information, or complaint for
4 unnecessary delay in presenting a charge to the Grand Jury, filing an information,
5 or in bringing a defendant to trial. I hereby request that the United States Attorney
6 for the Eastern District of Washington defer any prosecution of me for violations
7 of 18 U.S.C. § 841 and 846, as described herein, for a period of eighteen (18)
8 months, and to induce him to defer such prosecution I agree and consent that any
9 delay from the date of this Agreement to the date of the initiation of the
10 prosecution, as provided for in the terms expressed herein, shall be deemed to be a
11 necessary delay at my request and I waive any defense to such prosecution on the
12 ground that such delay operated to deny my rights under Rule 48(b) of the Federal
13 Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the
14 United States to a speedy trial or to bar the prosecution by reason of the running of
15 the statute of limitations for the effective period of this Diversion Agreement.
16

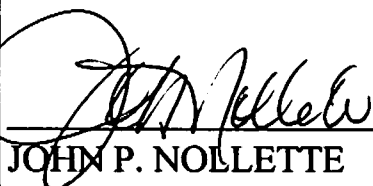
17 I hereby state that the above has been read by me and explained to me by my
18 attorney. I understand the conditions of my Pre-Trial Diversion and agree that I
19 will comply with them.
20

21
22 

23 DEFENDANT

24 JERRELYN L. COMSTOCK

25 9/25/14
26 DATE

27 
28 JOHN P. NOLLETTE

9-25-14
DATE

1 Attorney for JERRELYN L. COMSTOCK
2
3
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5 
6 JARED C. KIMBALL

11.24.14
DATE

7 Assistant United States Attorney
8
9

10 
11 U.S. PROBATION OFFICER

11/24/14
DATE

12
13 APPROVED without passing judgment on the merits or wisdom of this diversion.
14

15 
16 HONORABLE ROSANNA MALOUF PETERSON

11/24/14
DATE

17 Chief United States District Court Judge
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